

SALEM PLANNING AND ZONING COMMISSION
March 23, 2010

Present

Amato, R`
Buckley, K.
Chinatti, M.-Town Planner/ZEO
McKenney, H.
Savalle, R.
Smith, V., Alt
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Absent

Fogarty, G.
Nikirk, G
Walter, G.
Vacancy, Alt

Guests

See attached

A. CALL TO ORDER

Chairman H. McKenney called the meeting to order at 7:06 pm and introduced the members and staff present.

B. ADDITIONS TO THE AGENDA

None

V. Smith was seated for G. Nikirk

K. Buckley read the legal notice for the public hearing

H. McKenney explained the public hearing process to the public

C. PUBLIC HEARING

1) Thomas-Resubdivision application (RS#10-02-02) for a four (4) lot resubdivision at 81 Skyline Drive

A letter submitted to the Commission by Jack O'Brien, 77 Skyline Drive was read into the record.

M. Chinatti received a written request from Kandis Swan for specific documents related to the application.

M. Chinatti gave an overview of the resubdivision and related the Commission's Land Use Attorney's concerns (see file copy). There was concern for the southerly access to the proposed resubdivision and the engineer has drainage concerns. The Swans own the south access and the access would have to be deeded over to Thomas or an agreement reached as to the use of the right away

Steve Marien, engineer for the applicant stated there is one house on the existing lot and three others proposed. Mr. Thomas owns the northerly right of way. He stated the soil testing has been

done. He explained to the Commission that he had just received the Town engineer's comments and there was not enough time to respond to them. It looks as though they may need to reconfigure lots and do drainage calculations according to the engineer's comments. He stated that due to the legal concerns surrounding the south entrance they would like more time to get more information, have a clearer picture, and a more concrete plan to present to the Commission. He asked the hearing be continued.

M. Chinatti agreed that it would be in the best interest of the application to continue the public hearing.

Attorney Ed Murphy stated that the south access is a deeded right of way to Mr. Thomas.

Engineer S. Marien stated they will still have four lots, the septic will remain where proposed now, only access and house position may change due to the concerns that have been posed.

H. McKenney stated that the proposed resubdivision borders another town (Montville) the Southeastern Council of Governments (SECOG) should be notified. M. Chinatti and D. Bingham agreed. M. Chinatti was directed to make sure SCCOG was notified.

D. Bingham noted that one driveway is currently in use for four houses, if the application is approved the common driveway will serve one more house. D. Bingham asked if the special exception for the common driveway was denied was there enough room for a town road. S. Marien stated the Commission could not deny the applicant the special exception because the result would be the denial of the right to use the property by the owner.

D. Bingham asked about the conservation easement and if it would be better to cut that piece out. Typically, conservation easements are deeded to the town, which makes it the town's responsibility. He wondered if the applicant had thought about deeding it over to the Greenway Commission, as it borders Route 11. H. McKenney asked M. Chinatti to discuss the possibility with Peter Sielman, the town's liaison to the Route 11 Greenway Committee.

H. McKenney asked if anyone from the public would like to speak.

- Steve Swan, 117 Skyline Drive-stated he had many comments and concerns but would hold them until a more complete plan was presented to the Commission. He stated that his property

will be the most heavily impacted by the proposed resubdivision. D. Bingham asked if a site walk were to be scheduled would Mr. Swan have a problem with the Commission being on his property. Mr. Swan said no as long as he had notice.

- Vivian Straub, 107 Skyline Drive-stated she would hold comment until the plan is more complete.
- Charlene Baucus, 83 Skyline Drive-will comment at a later date.

D. Bingham inquired if there were agreements for the current common driveway. He stated the Commission is dealing with a unique situation on this application in that there is a preexisting common driveway, which everyone seems to be happy with the arrangement. S. Marien stated that W. Bjorn has an easement agreement in his deed. D. Bingham said that if the application was approved the easement would be codified.

H. McKenney requested M. Chinatti ask the Town Attorney for advice on approving the application considering there are property owners that will be impacted which would not be part of the resubdivision. He suggested to the applicants that they reach out to neighbors and communicate what the plans are.

M/S/C (Bingham/Savalle) to schedule a site walk for 81 Skyline Drive on April 13, at 5:00 pm.

Discussion-H. McKenney informed the public that a site walk is a public meeting with a quorum of the Commission. The purpose of the walk is to give the members a better understanding of the site. The applicant can bring the site plan. The public cannot ask questions, the Commission, and the public, are there to listen and observe. They will meet at the entrance to the northerly driveway

Vote: Approved Unanimously

M/S/C (Bingham/Savalle) to continue the Public Hearing to April 27th.

Vote: Approved Unanimously

(Note-the second public hearing by the same applicant for special exception (SE #10-02-01) is also continued because both applications are being considered concurrently).

D. PETITIONERS

None

E. PUBLIC COMMENT

None

F. OLD BUSINESS

- 1) Mantis, LLC (Winalski)-Site Plan Modification application (SPM#09-12-01) to relocate two (2) previously approved 50' x 30' cold frame greenhouses and add an 80' x 45' x 32' storage building at 595 Norwich Road (Route 82)**

M. Chinatti stated she just got the engineer's comments and handed a copy to the applicant, (see file copy). M. Chinatti stated the revised drawings were dropped off the day before the P & Z meeting and she did not have time to review them. Per M. Chinatti's memo, (see file copy) the Town Sanitarian had not submitted comments

The applicant, Mr. Winalski, stated he just received the town engineer's comments and was not prepared to address the Commission on the comments. He stated his client, the landowner, would like a decision tonight, if possible to receive approval with conditions.

H. McKenney state that would not be possible because the Commission had not had time to review the engineer comments or the revised plans.

The applicant was asked how he would like to proceed, he replied he would like a few minutes to review the engineer comments. A five-minute break was given for that purpose.

Mr. Winalski came back, stated the comments from the engineer were redundant, and restated his clients desire to see the plan approved tonight.

M/S/C (Bingham/Smith) to conduct a site walk April 13, 4:00 pm at 595 Norwich Road. Vote: Approved Unanimously.

Mr. Winalski informed the Commission he had asked the Town Planner, M. Chinatti if he could meet with the town's engineer and was told, no. He said many times it is helpful to meet face to face which saves a lot of time instead of going through a third person. M. Chinatti replied that she did not have the authority to approve the request because the town would be paying for the engineer's time, but that Mr. Winalski could speak with the Town engineer by telephone. H. McKenney agreed with Mr. Winalski that it would be helpful and stated that it should not take more than an hour and approved the request.

Mr. Winalski stated he did not know what the landowner would decide to do about the application or the site walk; he may go forward or pull the application.

M/S/C (McKenney/Buckley) to move item, New Business, 1) Moot Motions from 3/16/10 meeting to after the PZC/EDC Workshop. Vote: Approved Unanimously

The Commission took a 10-minute break.

The Commission resumed the meeting at 8:24

G. NEW BUSINESS

1) PZC/EDC Workshop

Dana Abetti, Secretary of the Economic Development Commission, introduced Joe Duncan and Larry Stevens, also members of the EDC.

D. Abetti gave a handout (see file copy) of the presentation. She stated they are putting together screens to determine what businesses would be a good fit for Salem. They will be tracking why businesses do not come to fruition in Salem and separating myth from fact where this is concerned. D. Bingham suggested asking businesses that fail what contributed to the failure.

D. Abetti informed the Commission that this model was presented to the Board of Selectman and they liked the fact that the plan defines what the town likes upfront.

When D. Abetti finished her presentation, she asked the members what they would like to see on the screens. A number of suggestions were made. D. Bingham suggested looking at the sites and see what businesses would work. He said many businesses thrive or fail depending on location.

R. Amato stated that most businesses are going to be better prepared than the town.

D. Bingham stated the Commission is in the process of looking at mixed-use regulations to allow businesses in homes to exist in residential areas.

H. McKenney stated it is better to be proactive and modify regulations now instead of when a business is before the Commission. He said many of the changes could be done in the special exception part of the application process.

D. Abetti stated the town has to decide, "What do we want to be when we grow up?"

K. Buckley suggested we look at the assets of the town and attract business that would compliment those assets. The town has a lot of drive through traffic that could be taken advantage of.

J. Duncan stated the regulations need to be 'locked in' so businesses know what they are walking into.

D. Abetti said EDC would create screens and present them to P & Z.

2) Moot Motions from 3/16/10 meeting.

H. McKenney explained to the members that during the 3/16/10 meeting he recused himself and when he came back in he did not resume his seat. During that time, he made motions, which are now moot and have to be redone.

M/S/C (McKenney/Savalle) to re-vote on acceptance of fee in lieu of digital data submission: Vote: Approved Unanimously.

M/S/C (McKenney/Buckley) to approve the fee in lieu of digital data submission of the approved 200 Music Vale Road resubdivision plan, as the fee was paid for the previous application Vote: Approved Unanimously.

M/S/C (McKenney/Buckley) to re-vote on accepting Matt Kobyluck's granting an extension of time to close, and request to continue, the public hearing. Vote Approved. In favor of the vote: McKenney, Amato, Buckley, Savalle, Smith. Abstaining from the vote: D. Bingham.

M/S/C (McKenney/Buckley) to accept Matt Kobyluck's granting an extension of time to close, and request to continue, the public hearing up to but not past April 29 Vote Approved. In favor of the vote: McKenney, Amato, Buckley, Savalle, Smith. Abstaining from the vote: D. Bingham.

M/S/C (McKenney/Bingham) to re-vote on the minutes of the February 16 and February 23 minutes. Unanimous.

M/S/C (Bingham/Smith) to approve the February 16 and February 23 minutes. Vote Approved. Vote in favor: Buckley, Smith, and Amato. Vote abstaining: McKenney, Savalle from the 2/16/10 minutes. 2/23/10 minutes. Vote Approved. Vote in favor: Buckley, Smith, and McKenney, Savalle. Vote abstaining: Amato

M/S/C (McKenney/Buckley) to re-vote on coming out of Executive Session. Vote: Approved. Vote in favor: McKenney, Buckley, Amato, Savalle, and Smith. Vote Abstaining: Bingham.

M/S/C (McKenney/Buckley) to come out of Executive Session on the 16th of March at 10:13PM. Vote: Approved. Vote in favor: McKenney, Buckley, Amato, Savalle and Smith. Vote Abstaining: Bingham.

H. ENFORCEMENT OFFICER’S REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION REPORT

None

I. APPROVAL OF MINUTES OF PREVIOUS MEETINGS:

None

J. PLUS/DELTAS

The Commission reviewed the positive aspects and areas for improvement concerning the conduct of tonight’s meeting.

K. CORRESPONDENCE

A CCM workshop on ethics is available

L. ADJOURNMENT

M/S/C (Buckley/Smith) to adjourn the meeting at 10:07 pm. Vote: Approved Unanimously

Respectfully Submitted

**Sue Spang
Recording Secretary**